

1 **SECTION 119.** 48.62 (5) (e) of the statutes is amended to read:

2 48.62 (5) (e) The amount of a monthly payment under par. (a) or (b) for the care
3 of a child shall equal the amount received under sub. (4) ~~(c)~~^e by the guardian of the
4 child for the month immediately preceding the month in which the guardianship
5 order was granted. A guardian or an interim caretaker who receives a monthly
6 payment under par. (a) or (b) is not eligible to receive a payment under ~~the rules~~^e
7 ~~promulgated under~~ sub. (4) ~~or s. 48.57 (3m) or (3n) (c)~~^e.

8 **SECTION 120.** 48.62 (6) of the statutes is amended to read: ^(plan)

9 48.62 (6) The department or a county department may recover an overpayment
10 made under ~~the rules promulgated under~~ sub. (4) ~~or (c) or made under sub.~~^e (5) from
11 a foster parent, ~~treatment foster parent~~, guardian, or interim caretaker who
12 continues to receive those payments under sub. (4) ~~or (5)~~ by reducing the amount of
13 the person's monthly payment. The department may by rule specify other methods
14 for recovering those overpayments ~~made under sub. (4) or (5)~~. A county department
15 that recovers an overpayment under this subsection due to the efforts of its officers
16 and employees may retain a portion of the amount recovered, as provided by the
17 department by rule.

18 **SECTION 121.** 48.62 (7) of the statutes is amended to read:

19 48.62 (7) In each federal fiscal year, the department shall ensure that there are
20 no more than 2,200 children in foster care ~~and treatment foster care~~ placements for
21 more than 24 months, consistent with the best interests of each child. Services
22 provided in connection with this requirement shall comply with the requirements
23 under P.L. 96-272.

24 **SECTION 122.** 48.625 (3) of the statutes is amended to read:

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1 48.625 (3) This section does not apply to a foster home licensed under s. 48.62
2 (1) ~~(a) or to a treatment foster home licensed under s. 48.62 (1) (b).~~

3 **SECTION 123.** 48.627 (title) of the statutes is amended to read:

4 **48.627 (title) Foster, ~~treatment foster~~ and family-operated group home**
5 **parent insurance and liability.**

6 **SECTION 124.** 48.627 (2) (a) of the statutes is amended to read:

7 48.627 (2) (a) Before the department, a county department, or a licensed child
8 welfare agency may issue, renew, or continue a foster home, ~~treatment foster home~~
9 or family-operated group home license, the licensing agency shall require the
10 applicant to furnish proof satisfactory to the licensing agency that he or she has
11 homeowner's or renter's liability insurance that provides coverage for negligent acts
12 or omissions by children placed in a foster home, ~~treatment foster home~~ or
13 family-operated group home that result in bodily injury or property damage to 3rd
14 parties.

15 **SECTION 125.** 48.627 (2c) of the statutes is amended to read:

16 48.627 (2c) The department shall determine the cost-effectiveness of
17 purchasing private insurance that would provide coverage to foster, ~~treatment foster~~,
18 and family-operated group home parents for acts or omissions by or affecting a child
19 who is placed in a foster home, ~~a treatment foster home~~, or a family-operated group
20 home. If this private insurance is cost-effective and available, the department shall
21 purchase the insurance from the appropriations under s. 20.437 (1) (cf) and (pd). If
22 the insurance is unavailable, payment of claims for acts or omissions by or affecting
23 a child who is placed in a foster home, ~~a treatment foster home~~, or a family-operated
24 group home shall be in accordance with subs. (2m) to (3).

25 **SECTION 126.** 48.627 (2m) of the statutes is amended to read:

1 48.627 (2m) Within the limits of the appropriations under s. 20.437 (1) (cf) and
2 (pd), the department shall pay claims to the extent not covered by any other
3 insurance and subject to the limitations specified in sub. (3), for bodily injury or
4 property damage sustained by a licensed foster, ~~treatment foster~~, or family-operated
5 group home parent or a member of the foster, ~~treatment foster~~, or family-operated
6 group home parent's family as a result of the act of a child in the foster, ~~treatment~~
7 ~~foster~~, or family-operated group home parent's care.

8 **SECTION 127.** 48.627 (2s) (a) of the statutes is amended to read:

9 48.627 (2s) (a) Acts or omissions of the foster, ~~treatment foster~~ or
10 family-operated group home parent that result in bodily injury to the child who is
11 placed in the foster home, ~~treatment foster home~~ or family-operated group home or
12 that form the basis for a civil action for damages by the foster child's parent against
13 the foster, ~~treatment foster~~ or family-operated group home parent.

14 **SECTION 128.** 48.627 (2s) (b) of the statutes is amended to read:

15 48.627 (2s) (b) Bodily injury or property damage caused by an act or omission
16 of a child who is placed in the foster, ~~treatment foster~~ or family-operated group home
17 parent's care for which the foster, ~~treatment foster~~ or family-operated group home
18 parent becomes legally liable.

19 **SECTION 129.** 48.627 (3) (b) of the statutes is amended to read:

20 48.627 (3) (b) A claim under sub. (2m) shall be submitted to the department
21 within 90 days after the bodily injury or property damage occurs. A claim under sub.
22 (2s) shall be submitted within 90 days after a foster, ~~treatment foster~~ or
23 family-operated group home parent learns that a legal action has been commenced
24 against that parent. No claim may be paid under this subsection unless it is
25 submitted within the time limits specified in this paragraph.

✓
1 **SECTION 130.** 48.627 (3) (d) of the statutes is amended to read:

2 48.627 (3) (d) No claim may be approved in an amount exceeding the total
3 amount available for paying claims under this subsection in the fiscal year during
4 which the claim is submitted. No claim for property damage sustained by a foster;
5 ~~treatment foster~~ or family-operated group home parent or a member of a foster;
6 ~~treatment foster~~ or family-operated group home parent's family may be approved in
7 an amount exceeding \$250,000.

✓
8 **SECTION 131.** 48.627 (3) (e) of the statutes is amended to read:

9 48.627 (3) (e) The department may not approve a claim unless the foster;
10 ~~treatment foster~~ or family-operated group home parent submits with the claim
11 evidence that is satisfactory to the department of the cause and value of the claim
12 and evidence that insurance coverage is unavailable or inadequate to cover the
13 claim. If insurance is available but inadequate, the department may approve a claim
14 only for the amount of the value of the claim that it determines is in excess of the
15 amount covered by insurance.

✓
16 **SECTION 132.** 48.627 (3) (f) of the statutes is amended to read:

17 48.627 (3) (f) If the total amount of the claims approved during any calendar
18 quarter exceeds 25% of the total funds available during the fiscal year for purposes
19 of this subsection plus any unencumbered funds remaining from the previous
20 quarter, the department shall prorate the available funds among the claimants with
21 approved claims. The department shall also prorate any unencumbered funds
22 remaining in the appropriation under s. 20.437 (1) (cf) at the end of each fiscal year
23 among the claimants whose claims were prorated during the fiscal year. Payment
24 of a prorated amount from unencumbered funds remaining at the end of the fiscal
25 year constitutes a complete payment of the claim for purposes of this program, but

1 does not prohibit a foster parent or ~~treatment foster parent~~ family-operated group
2 home parent from submitting a claim under s. 16.007 for the unpaid portion.

3 **SECTION 133.** 48.627 (3) (h) of the statutes is amended to read:

4 48.627 (3) (h) If a claim by a foster, ~~treatment foster~~ or family-operated group
5 home parent or a member of the foster, ~~treatment foster~~ or family-operated group
6 home parent's family is approved, the department shall deduct from the amount
7 approved \$100 less any amount deducted by an insurance company from a payment
8 for the same claim, except that a foster, ~~treatment foster~~ or family-operated group
9 home parent and his or her family are subject to only one deductible for all claims
10 filed in a fiscal year.

11 **SECTION 134.** 48.627 (4) of the statutes is amended to read:

12 48.627 (4) Except as provided in s. 895.485, the department is not liable for any
13 act or omission by or affecting a child who is placed in a foster home, ~~treatment foster~~
14 ~~home~~, or family-operated group home, but shall, as provided in this section, pay
15 claims described under sub. (2m) and may pay claims described under sub. (2s) or
16 may purchase insurance to cover such claims as provided for under sub. (2c), within
17 the limits of the appropriations under s. 20.437 (1) (cf) and (pd).

18 **SECTION 135.** 48.627 (5) of the statutes is amended to read:

19 48.627 (5) The attorney general may represent a foster, ~~treatment foster~~ or
20 family-operated group home parent in any civil action arising out of an act or
21 omission of the foster, ~~treatment foster~~ or family-operated group home parent while
22 acting in his or her capacity as a foster, ~~treatment foster~~ or family-operated group
23 home parent.

24 **SECTION 136.** 48.63 (1) of the statutes is amended to read:

1 48.63 (1) Acting under court order or voluntary agreement, the child's parent
2 or guardian or the department, the department of corrections, a county department,
3 or a child welfare agency licensed to place children in foster homes, ~~treatment foster~~
4 ~~homes~~, or group homes may place a child or negotiate or act as intermediary for the
5 placement of a child in a foster home, ~~treatment foster home~~, or group home.
6 Voluntary agreements under this subsection may not be used for placements in
7 facilities other than foster, ~~treatment foster~~, homes or group homes and may not be
8 extended. A foster home or ~~treatment foster home~~ placement under a voluntary
9 agreement may not exceed 180 days from the date on which the child was removed
10 from the home under the voluntary agreement. A group home placement under a
11 voluntary agreement may not exceed 15 days from the date on which the child was
12 removed from the home under the voluntary agreement, except as provided in sub.
13 (5). These time periods do not apply to placements made under s. 48.345, 938.183,
14 938.34, or 938.345. Voluntary agreements may be made only under this subsection
15 and sub. (5) (b) and shall be in writing and shall specifically state that the agreement
16 may be terminated at any time by the parent or guardian or by the child if the child's
17 consent to the agreement is required. The child's consent to the agreement is
18 required whenever the child is 12 years of age or older. If a county department, the
19 department, or the department of corrections places a child or negotiates or acts as
20 intermediary for the placement of a child under this subsection, the voluntary
21 agreement shall also specifically state that the county department, department, or
22 department of corrections has placement and care responsibility for the child as
23 required under 42 USC 672 (a) (2) and has primary responsibility for providing
24 services to the child. ✓

25 **SECTION 137.** 48.63 (3) (b) 2. of the statutes is amended to read:

1 48.63 (3) (b) 2. The department, a county department under s. 48.57 (1) (e) or
2 (hm), or a child welfare agency licensed under s. 48.60 may place a child under subd.
3 1. in the home of a proposed adoptive parent or parents who reside in this state if that
4 home is licensed as a foster home ~~or treatment foster home~~ under s. 48.62.

5 **SECTION 138.** [✓]48.63 (4) of the statutes is amended to read:

6 48.63 (4) A permanency plan under s. 48.38 is required for each child placed
7 in a foster home ~~or treatment foster home~~ under sub. (1). If the child is living in a
8 foster home ~~or treatment foster home~~ under a voluntary agreement, the agency that
9 negotiated or acted as intermediary for the placement shall prepare the permanency
10 plan within 60 days after the date on which the child was removed from his or her
11 home under the voluntary agreement. A copy of each plan shall be provided to the
12 child if he or she is 12 years of age or over and to the child's parent or guardian. If
13 the agency that arranged the voluntary placement intends to seek a court order to
14 place the child outside of his or her home at the expiration of the voluntary
15 placement, the agency shall prepare a revised permanency plan and file that revised
16 plan with the court prior to the date of the hearing on the proposed placement.

17 **SECTION 139.** [✓]48.64 (title) of the statutes is amended to read:

18 **48.64 (title) Placement of children in foster homes, ~~treatment foster~~**
19 **homes and group homes.**

20 **SECTION 140.** [✓]48.64 (1) of the statutes is amended to read:

21 48.64 (1) DEFINITION. In this section, "agency" means the department, the
22 department of corrections, a county department, or a licensed child welfare agency
23 authorized to place children in foster homes, ~~treatment foster homes~~, or group
24 homes.

25 **SECTION 141.** [✓]48.64 (1m) of the statutes is amended to read:

1 **48.64 (1m) FOSTER HOME, ~~TREATMENT FOSTER HOME~~ AND GROUP HOME AGREEMENTS.**

2 If an agency places a child in a foster home, ~~treatment foster home~~ or group home
3 under a court order or voluntary agreement under s. 48.63, the agency shall enter
4 into a written agreement with the head of the home. The agreement shall provide
5 that the agency shall have access at all times to the child and the home, and that the
6 child will be released to the agency whenever, in the opinion of the agency placing
7 the child or the department, the best interests of the child require it release to the
8 agency. If a child has been in a foster home, ~~treatment foster home~~ or group home
9 for 6 months or more, the agency shall give the head of the home written notice of
10 intent to remove the child, stating the reasons for the removal. The child may not
11 be removed before completion of the hearing under sub. (4) (a) or (c), if requested, or
12 30 days after the receipt of the notice, whichever is later, unless the safety of the child
13 requires it or, in a case in which the reason for removal is to place the child for
14 adoption under s. 48.833, unless all of the persons who have the right to request a
15 hearing under sub. (4) (a) or (c) sign written waivers of objection to the proposed
16 removal. If the safety of the child requires earlier removal, s. 48.19 shall apply. If
17 an agency removes a child from an adoptive placement, the head of the home shall
18 have no claim against the placing agency for the expense of care, clothing, or medical
19 treatment.

20 ✓
SECTION 142. 48.64 (1r) of the statutes is amended to read:

21 **48.64 (1r) NOTIFICATION OF SCHOOL DISTRICT.** When an agency places a
22 school-age child in a foster home, ~~a treatment foster home~~ or a group home, the
23 agency shall notify the clerk of the school district in which the foster home, ~~treatment~~
24 ~~foster home~~ or group home is located that a school-age child has been placed in a
25 foster home, ~~treatment foster home~~ or group home in the school district.

✓
1 **SECTION 143.** 48.64 (2) of the statutes is amended to read:

2 48.64 (2) SUPERVISION OF FOSTER HOME, ~~TREATMENT FOSTER HOME~~ AND GROUP HOME
3 PLACEMENTS. Every child in a foster home, ~~treatment foster home~~ or group home shall
4 be under the supervision of an agency.

✓
5 **SECTION 144.** 48.64 (4) (a) of the statutes is amended to read:

6 48.64 (4) (a) Any decision or order issued by an agency that affects the head of
7 a foster, ~~treatment foster~~ or group home or the children involved may be appealed to
8 the department under fair hearing procedures established under department rules.
9 The department shall, upon receipt of an appeal, give the head of the home
10 reasonable notice and opportunity for a fair hearing. The department may make
11 such any additional investigation as that the department considers necessary. The
12 department shall give notice of the hearing to the head of the home and to the
13 departmental subunit, county department, or child welfare agency that issued the
14 decision or order. Each person receiving notice is entitled to be represented at the
15 hearing. At all hearings conducted under this subsection, the head of the home, or
16 a representative of the head of the home, shall have an adequate opportunity,
17 notwithstanding s. 48.78 (2) (a), to examine all documents and records to be used at
18 the hearing at a reasonable time before the date of the hearing as well as during the
19 hearing, to bring witnesses, to establish all pertinent facts and circumstances, and
20 to question or refute any testimony or evidence, including opportunity to confront
21 and cross-examine adverse witnesses. The department shall grant a continuance
22 for a reasonable period of time when an issue is raised for the first time during a
23 hearing. This requirement may be waived with the consent of the parties. The
24 decision of the department shall be based exclusively on evidence introduced at the
25 hearing. A transcript of testimony and exhibits, or an official report containing the

1 substance of what transpired at the hearing, together with all papers and requests
2 filed in the proceeding, and the findings of the hearing examiner shall constitute the
3 exclusive record for decision by the department. The department shall make the
4 record available at any reasonable time and at an accessible place to the head of the
5 home or his or her representative. Decisions by the department shall specify the
6 reasons for the decision and identify the supporting evidence. No person
7 participating in an agency action being appealed may participate in the final
8 administrative decision on that action. The department shall render its decision as
9 soon as possible after the hearing and shall send a certified copy of its decision to the
10 head of the home and to the departmental subunit, county department, or child
11 welfare agency that issued the decision or order. The decision shall be binding on all
12 parties concerned.

13 **SECTION 145.** 48.64 (4) (c) of the statutes is amended to read:

14 48.64 (4) (c) The circuit court for the county where the dispositional order
15 placing a child in a foster home, ~~treatment foster home~~, or group home was entered
16 or the voluntary agreement under s. 48.63 so placing a child was made has
17 jurisdiction upon petition of any interested party over a child who is placed in a foster
18 home, ~~treatment foster home~~, or group home. The circuit court may call a hearing,
19 at which the head of the home and the supervising agency under sub. (2) shall be
20 present, for the purpose of reviewing any decision or order of that agency involving
21 the placement and care of the child. If the child has been placed in a foster home, the
22 foster parent may present relevant evidence at the hearing. The petitioner has the
23 burden of proving by clear and convincing evidence that the decision or order issued
24 by the agency is not in the best interests of the child.

25 **SECTION 146.** 48.645 (1) (a) of the statutes is amended to read:

1 48.645 (1) (a) The child is living in a foster home ~~or treatment foster home~~
2 licensed under s. 48.62 if a license is required under that section, in a foster home
3 ~~or treatment foster home~~ located within the boundaries of a federally recognized
4 American Indian reservation in this state and licensed by the tribal governing body
5 of the reservation, in a group home licensed under s. 48.625, in a subsidized
6 guardianship home under s. 48.62 (5), or in a residential care center for children and
7 youth licensed under s. 48.60, and has been placed in the foster home, ~~treatment~~
8 ~~foster home~~, group home, subsidized guardianship home, or center by a county
9 department under s. 46.215, 46.22, or 46.23, by the department, or by a federally
10 recognized American Indian tribal governing body in this state under an agreement
11 with a county department under s. 46.215, 46.22, or 46.23.

12 **SECTION 147.** [✓]48.645 (2) (a) 1. of the statutes is amended to read:

13 48.645 (2) (a) 1. A nonrelative who cares for the dependent child in a foster
14 home ~~or treatment foster home~~ having a license under s. 48.62, in a foster home ~~or~~
15 ~~treatment foster home~~ located within the boundaries of a federally recognized
16 American Indian reservation in this state and licensed by the tribal governing body
17 of the reservation, or in a group home licensed under s. 48.625; a subsidized
18 guardian or interim caretaker under s. 48.62 (5) who cares for the dependent child;,
19 or a minor custodial parent who cares for the dependent child; regardless of the
20 cause or prospective period of dependency. The state shall reimburse counties
21 pursuant to the procedure under s. 48.569 (2) and the percentage rate of
22 participation set forth in s. 48.569 (1) (d) for aid granted under this section except
23 that if the child does not have legal settlement in the granting county, state
24 reimbursement shall be at 100%. The county department under s. 46.215, 46.22, or
25 46.23 or the department under s. 48.48 (17) shall determine the legal settlement of

1 the child. A child under one year of age shall be eligible for aid under this subsection
2 irrespective of any other residence requirement for eligibility within this section.

3 **SECTION 148.** 48.645 (2) (a) 3. of the statutes is amended to read:

4 48.645 (2) (a) 3. A county or, in a county having a population of 500,000 or more,
5 the department, when the child is placed in a licensed foster home, ~~treatment foster~~
6 ~~home~~, group home, or residential care center for children and youth or in a subsidized
7 guardianship home by a licensed child welfare agency or by a federally recognized
8 American Indian tribal governing body in this state or by its designee, if the child is
9 in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or the
10 department under s. 48.48 (17) or if the child was removed from the home of a relative
11 as a result of a judicial determination that continuance in the home of the relative
12 would be contrary to the child's welfare for any reason and the placement is made
13 under an agreement with the county department or the department.

14 **SECTION 149.** 48.645 (2) (a) 4. of the statutes is amended to read:

15 48.645 (2) (a) 4. A licensed foster home, ~~treatment foster home~~, group home,
16 or residential care center for children and youth or a subsidized guardianship home
17 when the child is in the custody or guardianship of the state, when the child is a ward
18 of an American Indian tribal court in this state and the placement is made under an
19 agreement between the department and the tribal governing body, or when the child
20 was part of the state's direct service case load and was removed from the home of a
21 relative as a result of a judicial determination that continuance in the home of a
22 relative would be contrary to the child's welfare for any reason and the child is placed
23 by the department.

24 **SECTION 150.** 48.645 (2) (b) of the statutes is amended to read:

48.645 (2) (b) Notwithstanding par. (a), aid under this section may not be granted for placement of a child in a foster home or ~~treatment foster home~~ licensed by a federally recognized American Indian tribal governing body, for placement of a child in a foster home, ~~treatment foster home~~, group home, subsidized guardianship home, or residential care center for children and youth by a tribal governing body or its designee, or for the placement of a child who is a ward of a tribal court if the tribal governing body is receiving or is eligible to receive funds from the federal government for that type of placement.

SECTION 151. Subchapter XVI (title) of chapter 48 [precedes 48.66] of the statutes is amended to read:

CHAPTER 48

SUBCHAPTER XVI

LICENSING PROCEDURES AND REQUIREMENTS FOR CHILD WELFARE
AGENCIES, FOSTER HOMES, ~~TREATMENT FOSTER HOMES~~, GROUP
HOMES, DAY CARE CENTERS, AND COUNTY DEPARTMENTS

SECTION 152. 48.66 (1) (a) of the statutes is amended to read:

48.66 (1) (a) Except as provided in s. 48.715 (6) and (7), the department shall license and supervise child welfare agencies, as required by s. 48.60, group homes, as required by s. 48.625, shelter care facilities, as required by s. 938.22, and day care centers, as required by s. 48.65. The department may license foster homes ~~or treatment foster homes~~, as provided by s. 48.62, and may license and supervise county departments in accordance with the procedures specified in this section and in ss. 48.67 to 48.74. In the discharge of this duty the department may inspect the records and visit the premises of all child welfare agencies, group homes, shelter care

1 facilities, and day care centers and visit the premises of all foster homes and
2 ~~treatment foster homes~~ in which children are placed.

3 **SECTION 153.** 48.66 (1) (c) of the statutes is amended to read:

4 48.66 (1) (c) A license issued under par. (a) or (b), other than a license to operate
5 a foster home, ~~treatment foster home~~, or secured residential care center for children
6 and youth, is valid until revoked or suspended. A license issued under this
7 subsection to operate a foster home, ~~treatment foster home~~, or secured residential
8 care center for children and youth may be for any term not to exceed 2 years from the
9 date of issuance. No license issued under par. (a) or (b) is transferable.

10 **SECTION 154.** 48.67 (intro.) of the statutes is amended to read:

11 **48.67 Rules governing child welfare agencies, day care centers, foster**
12 **homes, ~~treatment foster homes~~, group homes, shelter care facilities, and**
13 **county departments.** (intro.) The department shall promulgate rules establishing
14 minimum requirements for the issuance of licenses to, and establishing standards
15 for the operation of, child welfare agencies, day care centers, foster homes, ~~treatment~~
16 ~~foster homes~~, group homes, shelter care facilities, and county departments. Those
17 rules shall be designed to protect and promote the health, safety, and welfare of the
18 children in the care of all licensees. The department shall consult with the
19 department of commerce, the department of public instruction, and the child abuse
20 and neglect prevention board before promulgating those rules. For foster homes,
21 those rules shall include the rules promulgated under s. 48.62 (4). Those rules shall
22 include rules that require all of the following:

23 **SECTION 155.** 48.675 (1) of the statutes is amended to read:

24 48.675 (1) DEVELOPMENT OF PROGRAM. The department shall develop a foster
25 care education program to provide specialized training for persons operating family

1 foster homes ~~or treatment foster homes~~. Participation in the program shall be
2 voluntary and shall be limited to persons operating foster homes ~~or treatment foster~~
3 ~~homes~~ licensed under s. 48.62 and caring for children with special treatment needs.

4 **SECTION 156.** 48.675 (2) of the statutes is amended to read:

5 48.675 (2) APPROVAL OF PROGRAMS. The department shall promulgate rules for
6 approval of programs to meet the requirements of this section. ~~Such~~ Those programs
7 may include, ~~but need not be limited to:~~ in-service training; workshops and
8 seminars developed by the department or by county departments; seminars and
9 courses offered through public or private education agencies; and workshops,
10 seminars, and courses pertaining to behavioral and developmental disabilities and
11 to the development of mutual support services for foster parents ~~and treatment~~
12 ~~foster parents~~. The department may approve programs under this subsection only
13 after consideration of relevant factors including level of education, useful or
14 necessary skills, location, and other criteria as determined by the department.

15 **SECTION 157.** 48.675 (3) (intro.) of the statutes is amended to read:

16 48.675 (3) SUPPORT SERVICES. (intro.) The department shall provide funds from
17 the appropriation under s. 20.437 (1) (a) to enable foster parents ~~and treatment foster~~
18 ~~parents~~ to attend education programs approved under sub. (2) and shall promulgate
19 rules concerning disbursement of the funds. Moneys disbursed under this
20 subsection may be used for the following purposes:

21 **SECTION 158.** 48.675 (3) (a) of the statutes is amended to read:

22 48.675 (3) (a) Care of residents of the foster home ~~or treatment foster home~~
23 during the time of participation in an education program.

24 **SECTION 159.** 48.68 (1) of the statutes is amended to read:

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1 48.68 (1) After receipt of an application for a license, the department shall
2 investigate to determine if the applicant meets the minimum requirements for a
3 license adopted by the department under s. 48.67 and meets the requirements
4 specified in s. 48.685, if applicable. In determining whether to issue or continue a
5 license, the department may consider any action by the applicant, or by an employee
6 of the applicant, that constitutes a substantial failure by the applicant or employee
7 to protect and promote the health, safety, and welfare of a child. Upon satisfactory
8 completion of this investigation and payment of the fee required under s. 48.615 (1)
9 (a) or (b), 48.625 (2) (a), 48.65 (3) (a), or 938.22 (7) (b), the department shall issue a
10 license under s. 48.66 (1) (a) or, if applicable, a probationary license under s. 48.69
11 or, if applicable, shall continue a license under s. 48.66 (5). At the time of initial
12 licensure and license renewal, the department shall provide a foster home licensee
13 with written information relating to the ~~age-related~~ ^{strike} monthly foster care rates and
14 supplemental payments specified in ~~the rules promulgated under s. 48.62 (4) (a)~~ ^{del 62}
15 including payment amounts, eligibility requirements for supplemental payments,
16 and the procedures for applying for supplemental payments.

17 SECTION 160. 48.685 (1) (b) of the statutes is amended to read:

18 48.685 (1) (b) "Entity" means a child welfare agency that is licensed under s.
19 48.60 to provide care and maintenance for children, to place children for adoption,
20 or to license foster homes ~~or treatment foster homes~~; a foster home ~~or treatment~~
21 ~~foster home~~ that is licensed under s. 48.62; a subsidized guardianship home under
22 s. 48.62 (5); a group home that is licensed under s. 48.625; a shelter care facility that
23 is licensed under s. 938.22; a day care center that is licensed under s. 48.65 or
24 established or contracted for under s. 120.13 (14); a day care provider that is certified

1 under s. 48.651; or a temporary employment agency that provides caregivers to
2 another entity.

3 **SECTION 161.** 48.685 (2) (c) 1. of the statutes is amended to read:

4 48.685 (2) (c) 1. If the person who is the subject of the search under par. (am)
5 is seeking an initial license to operate a foster home ~~or treatment foster home~~ or is
6 seeking relicensure after a break in licensure, the department, county department,
7 or child welfare agency shall request under 42 USC 16962 (b) a fingerprint-based
8 check of the national crime information databases, as defined in 28 USC 534 (f) (3)
9 (A). The department, county department, or child welfare agency may release any
10 information obtained under this subdivision only as permitted under 42 USC 16962
11 (e).

12 **SECTION 162.** 48.685 (2) (c) 2. of the statutes is amended to read:

13 48.685 (2) (c) 2. If the person who is the subject of the search under par. (am)
14 is seeking a license to operate a foster home ~~or treatment foster home~~ or is an adult
15 nonclient resident of the foster home ~~or treatment foster home~~ and if the person is
16 not, or at any time within the 5 years preceding the date of the search has not been,
17 a resident of this state, the department, county department, or child welfare agency
18 shall check any child abuse or neglect registry maintained by any state or other U.S.
19 jurisdiction in which the person is a resident or was a resident within those 5 years
20 for information that is equivalent to the information specified in par. (am) 4. The
21 department, county department, or child welfare agency may not use any
22 information obtained under this subdivision for any purpose other than a search of
23 the person's background under par. (am).

24 **SECTION 163.** 48.685 (4m) (a) (intro.) of the statutes is amended to read:

1 48.685 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
2 par. (ad) and sub. (5), the department may not license, or continue or renew the
3 license of, a person to operate an entity, a county department may not certify a day
4 care provider under s. 48.651, a county department or a child welfare agency may not
5 license, or renew the license of, a foster home ~~or treatment foster home~~ under s. 48.62,
6 ~~the department or a county department may not provide subsidized guardianship~~
7 ~~payments to a person under s. 48.62 (5),~~ and a school board may not contract with
8 a person under s. 120.13 (14), if the department, county department, child welfare
9 agency, or school board knows or should have known any of the following:

10 SECTION 164. 48.685 (4m) (ad) of the statutes is amended to read:

11 48.685 (4m) (ad) The department, a county department or a child welfare
12 agency may license a foster home ~~or treatment foster home~~ under s. 48.62, ~~the~~
13 ~~department or a county department may provide subsidized guardianship payments~~
14 ~~to a person under s. 48.62 (5),~~ a county department may certify a day care provider
15 under s. 48.651, and a school board may contract with a person under s. 120.13 (14),
16 conditioned on the receipt of the information specified in sub. (2) (am) indicating that
17 the person is not ineligible to be licensed, certified, or contracted with for a reason
18 specified in par. (a) 1. to 5.

19 SECTION 165. 48.685 (5) (bm) (intro.) of the statutes is amended to read:

20 48.685 (5) (bm) (intro.) For purposes of licensing a foster home ~~or treatment~~
21 ~~foster home~~ for the placement of a child on whose behalf foster care maintenance
22 payments under ~~rules promulgated under~~ s. 48.62 (4) ~~(c)~~ will be provided, no person
23 who has been convicted of any of the following offenses may be permitted to
24 demonstrate that he or she has been rehabilitated:

25 SECTION 166. 48.685 (5m) of the statutes is amended to read:

1 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license
2 a person to operate an entity, a county department or a child welfare agency may
3 refuse to license a foster home ~~or treatment foster home~~ under s. 48.62, the
4 department or a county department may refuse to provide subsidized guardianship
5 payments under s. 48.62 (5), and an entity may refuse to employ or contract with a
6 caregiver or permit a nonclient resident to reside at the entity if the person has been
7 convicted of an offense that is not a serious crime, but that is, in the estimation of the
8 department, county department, child welfare agency, or entity, substantially
9 related to the care of a client. Notwithstanding s. 111.335, the department may
10 refuse to license a person to operate a day care center, a county department may
11 refuse to certify a day care provider under s. 48.651, a school board may refuse to
12 contract with a person under s. 120.13 (14), a day care center that is licensed under
13 s. 48.65 or established or contracted for under s. 120.13 (14), and a day care provider
14 that is certified under s. 48.651 may refuse to employ or contract with a caregiver or
15 permit a nonclient resident to reside at the day care center or day care provider if the
16 person has been convicted of or adjudicated delinquent on or after his or her 12th
17 birthday for an offense that is not a serious crime, but that is, in the estimation of
18 the department, county department, school board, day care center, or day care
19 provider, substantially related to the care of a client.

20 **SECTION 167.** 48.685 (6) (a) of the statutes is amended to read:

21 48.685 (6) (a) The department shall require any person who applies for
22 issuance, continuation, or renewal of a license to operate an entity, a county
23 department shall require any day care provider who applies for initial certification
24 under s. 48.651 or for renewal of that certification, a county department or a child
25 welfare agency shall require any person who applies for issuance or renewal of a

1 license to operate a foster home ~~or treatment foster home~~ under s. 48.62, the
2 department or a county department shall require any person who applies for
3 subsidized guardianship payments under s. 48.62 (5), and a school board shall
4 require any person who proposes to contract with the school board under s. 120.13
5 (14) or to renew a contract under that subsection, to complete a background
6 information form that is provided by the department.

7 **SECTION 168.** [✓] 48.70 (2) of the statutes is amended to read:

8 48.70 (2) SPECIAL PROVISIONS FOR CHILD WELFARE AGENCY LICENSES. A license to
9 a child welfare agency shall also specify the kind of child welfare work the agency is
10 authorized to undertake, whether the agency may accept guardianship of children,
11 whether the agency may place children in foster homes ~~or treatment foster homes~~,
12 and if so, the area the agency is equipped to serve.

13 **SECTION 169.** [✓] 48.73 of the statutes is amended to read:

14 **48.73 Inspection of licensees.** The department may visit and inspect each
15 child welfare agency, foster home, ~~treatment foster home~~, group home, and day care
16 center licensed by it the department, and for such that purpose shall be given
17 unrestricted access to the premises described in the license.

18 **SECTION 170.** [✓] 48.75 (title) of the statutes is amended to read:

19 **48.75 (title) Foster homes and ~~treatment foster homes~~ licensed by**
20 **public licensing agencies and by child welfare agencies.**

21 **SECTION 171.** [✓] 48.75 (1d) of the statutes is amended to read:

22 48.75 (1d) Child welfare agencies, if licensed to do so by the department, and
23 public licensing agencies may license foster homes ~~and treatment foster homes~~
24 under the rules promulgated by the department under s. 48.67 governing the
25 licensing of foster homes ~~and treatment foster homes~~. A foster home ~~or treatment~~

1 foster home license shall be issued for a term not to exceed 2 years from the date of
2 issuance, is not transferable, and may be revoked by the child welfare agency or by
3 the public licensing agency because the licensee has substantially and intentionally
4 violated any provision of this chapter or of the rules of the department promulgated
5 pursuant to under s. 48.67 or because the licensee fails to meet the minimum
6 requirements for a license. The licensee shall be given written notice of any
7 revocation and the grounds therefor for the revocation.

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8 → **SECTION 172.** 48.75 (1r) of the statutes is amended to read:

9 48.75 (1r) At the time of initial licensure and license renewal, the child welfare
10 agency or public licensing agency issuing a license under sub. (1d) or (1g) shall
11 provide the licensee with written information relating to the age-related monthly
12 foster care rates and supplemental payments specified in the rules promulgated
13 under s. 48.62 (4) (c), including payment amounts, eligibility requirements for
14 supplemental payments, and the procedures for applying for supplemental
15 payments.

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16 **SECTION 173.** 48.75 (2) of the statutes is amended to read:

17 48.75 (2) Any foster home ~~or treatment foster home~~ applicant or licensee of a
18 public licensing agency or a child welfare agency may, if aggrieved by the failure to
19 issue or renew its license or by revocation of its license, appeal as provided in s. 48.72.

20 **SECTION 174.** 48.833 (1) of the statutes is amended to read:

21 48.833 (1) PLACEMENT BY DEPARTMENT OR COUNTY DEPARTMENT. The department
22 or a county department under s. 48.57 (1) (e) or (hm) may place a child for adoption
23 in a licensed foster home ~~or a licensed treatment foster home~~ without a court order
24 under s. 48.63 (3) (b) or if the department or county department is the guardian of
25 the child or makes the placement at the request of another agency that is the

1 guardian of the child and if the proposed adoptive parents have completed the
2 preadoption preparation required under s. 48.84 (1) or the department or county
3 department determines that the proposed adoptive parents are not required to
4 complete that preparation. When a child is placed under this subsection in a licensed
5 foster home ~~or a licensed treatment foster home~~ for adoption, the department or
6 county department making the placement shall enter into a written agreement with
7 the proposed adoptive parent, which shall state the date on which the child is placed
8 in the licensed foster home ~~or licensed treatment foster home~~ for adoption by the
9 proposed adoptive parent.

10 **SECTION 175.** 48.833 (2) of the statutes is amended to read:

11 48.833 (2) PLACEMENT BY CHILD WELFARE AGENCY. A child welfare agency
12 licensed under s. 48.60 may place a child for adoption in a licensed foster home ~~or a~~
13 ~~licensed treatment foster home~~ without a court order under s. 48.63 (3) (b) or if the
14 child welfare agency is the guardian of the child or makes the placement at the
15 request of another agency that is the guardian of the child and if the proposed
16 adoptive parents have completed the preadoption preparation required under s.
17 48.84 (1) or the child welfare agency determines that the proposed adoptive parents
18 are not required to complete that preparation. When a child is placed under this
19 subsection in a licensed foster home ~~or a licensed treatment foster home~~ for adoption,
20 the child welfare agency making the placement shall enter into a written agreement
21 with the proposed adoptive parent, which shall state the date on which the child is
22 placed in the licensed foster home ~~or licensed treatment foster home~~ for adoption by
23 the proposed adoptive parent.

24 **SECTION 176.** 48.837 (1) of the statutes is amended to read:

1 48.837 (1) IN-STATE ADOPTIVE PLACEMENT. When the proposed adoptive parent
2 or parents of a child reside in this state and are not relatives of the child, a parent
3 having custody of a child and the proposed adoptive parent or parents of the child
4 may petition the court for placement of the child for adoption in the home of the
5 proposed adoptive parent or parents if the home is licensed as a foster home or
6 ~~treatment foster home~~ under s. 48.62.

7 **SECTION 177.** 48.837 (1r) (b) of the statutes is amended to read:

8 48.837 (1r) (b) The department, a county department under s. 48.57 (1) (e) or
9 (hm), or a child welfare agency licensed under s. 48.60 may place a child under par.
10 (a) in the home of a proposed adoptive parent or parents who reside in this state if
11 that home is licensed as a foster home or ~~treatment foster home~~ under s. 48.62.

12 **SECTION 178.** 48.88 (2) (am) 1. of the statutes is amended to read:

13 48.88 (2) (am) 1. If the petitioner was required to obtain an initial license to
14 operate a foster home or ~~treatment foster home~~ before placement of the child for
15 adoption or relicensure after a break in licensure, the agency making the
16 investigation shall obtain a criminal history search from the records maintained by
17 the department of justice and request under 42 USC 16962 (b) a fingerprint-based
18 check of the national crime information databases, as defined in 28 USC 534 (f) (3)
19 (A), with respect to the petitioner. The agency may release any information obtained
20 under this subdivision only as permitted under 42 USC 16962 (e). In the case of a
21 child on whose behalf adoption assistance payments will be provided under s. 48.975,
22 if the petitioner has been convicted of any of the offenses specified in s. 48.685 (5) (bm)
23 1. to 4., the agency may not report that the petitioner's home is suitable for the child.

24 **SECTION 179.** 48.88 (2) (am) 2. of the statutes is amended to read:

1 48.88 (2) (am) 2. If the petitioner was required to obtain a license to operate
2 a foster home ~~or treatment foster home~~ before placement of the child for adoption,
3 the agency making the investigation shall obtain information maintained by the
4 department regarding any substantiated reports of child abuse or neglect against the
5 petitioner and any other adult residing in the petitioner's home. If the petitioner or
6 other adult residing in the petitioner's home is not, or at any time within the 5 years
7 preceding the date of the search has not been, a resident of this state, the agency shall
8 check any child abuse or neglect registry maintained by any state or other U.S.
9 jurisdiction in which the petitioner or other adult is a resident or was a resident
10 within those 5 years for information that is equivalent to the information maintained
11 by the department regarding substantiated reports of child abuse or neglect. The
12 agency may not use any information obtained under this subdivision for any purpose
13 other than a background search under this subdivision.

14 **SECTION 180.** [✓]48.975 (3) (a) 1. of the statutes is amended to read:

15 48.975 (3) (a) 1. Except as provided in subd. 3., for support of a child who was
16 in foster care, ~~treatment foster care~~, or subsidized guardianship care immediately
17 prior to placement for adoption, the initial amount of adoption assistance for
18 maintenance shall be equivalent to the amount of that child's foster care, ~~treatment~~
19 ~~foster care~~, or subsidized guardianship care payment at the time that the agreement
20 under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed adoptive
21 parents and specified in that agreement.

22 **SECTION 181.** [✓]48.975 (3) (a) 2. of the statutes is amended to read:

23 48.975 (3) (a) 2. Except as provided in subd. 3., for support of a child not in foster
24 care, ~~treatment foster care~~, or subsidized guardianship care immediately prior to
25 placement for adoption, the initial amount of adoption assistance for maintenance

1 shall be equivalent to the uniform foster care rate applicable to the child that is in
2 effect at the time that the agreement under sub. (4) (a) is signed or a lesser amount
3 if agreed to by the proposed adoptive parents and specified in that agreement.

4 **SECTION 182.** 48.98 (1) of the statutes is amended to read:

5 48.98 (1) No person may bring a child into this state or send a child out of this
6 state for the purpose of placing the child in foster care ~~or treatment foster care~~ or for
7 the purpose of adoption without a certificate from the department that the home is
8 suitable for the child.

9 **SECTION 183.** 48.98 (2) (a) of the statutes is amended to read:

10 48.98 (2) (a) Any person, except a county department or licensed child welfare
11 agency, who brings a child into this state for the purpose of placing the child in a
12 foster home ~~or treatment foster home~~ shall, before the child's arrival in this state, file
13 with the department a \$1,000 noncancelable bond in favor of this state, furnished by
14 a surety company licensed to do business in this state. The condition of the bond shall
15 be that the child will not become dependent on public funds for his or her primary
16 support before the child reaches age 18 or is adopted.

17 **SECTION 184.** 48.981 (3) (d) 1. of the statutes is amended to read:

18 48.981 (3) (d) 1. In this paragraph, "agent" includes, ~~but is not limited to,~~ a
19 foster parent, ~~treatment foster parent~~ or other person given custody of a child or a
20 human services professional employed by a county department under s. 51.42 or
21 51.437 or by a child welfare agency who is working with a child or an expectant
22 mother of an unborn child under contract with or under the supervision of the
23 department in a county having a population of 500,000 or more or a county
24 department under s. 46.22.

25 **SECTION 185.** 48.981 (7) (a) 4. of the statutes is amended to read:

1 48.981 (7) (a) 4. A child's foster parent, ~~treatment foster parent~~ or other person
2 having physical custody of the child or a person having physical custody of the
3 expectant mother of an unborn child, except that the person or agency maintaining
4 the record or report may not disclose any information that would identify the
5 reporter.

6 **SECTION 186.** [✓]48.986 (4) of the statutes is amended to read:

7 48.986 (4) A county may use the funds distributed under this section to fund
8 additional foster parents, ~~treatment foster parents~~, and subsidized guardians or
9 interim caretakers to care for abused and neglected children and to fund additional
10 staff positions to provide services related to child abuse and neglect and to unborn
11 child abuse.

12 **SECTION 187.** [✓]49.001 (7) of the statutes is repealed.

13 **SECTION 188.** [✓]49.136 (1) (m) of the statutes is amended to read:

14 49.136 (1) (m) "Parent" means a parent, guardian, foster parent, ~~treatment~~
15 ~~foster parent~~, legal custodian, or a person acting in the place of a parent.

16 **SECTION 189.** [✓]49.155 (1) (c) of the statutes is amended to read:

17 49.155 (1) (c) Notwithstanding s. 49.141 (1) (j), "parent" means a custodial
18 parent, guardian, foster parent, ~~treatment foster parent~~, legal custodian, or a person
19 acting in the place of a parent.

20 **SECTION 190.** [✓]49.155 (1m) (a) (intro.) of the statutes is amended to read:

21 49.155 (1m) (a) (intro.) The individual is a parent of a child who meets the
22 requirement under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is
23 disabled, is under the age of 19; or is a person relative who, under s. ~~48.57 (3m) or~~
24 ~~(3n) 48.62~~, is providing care and maintenance for a child who meets the requirement
25 under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is disabled, is

1 under the age of 19; and child care services for that child are needed in order for the
2 individual to do any of the following:

3 **SECTION 191.** 49.155 (1m) (a) 1m. b. of the statutes is amended to read:

4 49.155 (1m) (a) 1m. b. The individual has not yet attained the age of 18 years
5 and the individual resides with his or her custodial parent or with a kinship care
6 relative under s. 48.57 (3m) or with a long-term kinship care relative under s. 48.57
7 (3n) or is in a foster home or treatment foster home licensed under s. 48.62, a
8 subsidized guardianship home under s. 48.62 (5), a group home, or an independent
9 living arrangement supervised by an adult.

10 **SECTION 192.** 49.155 (1m) (bm) of the statutes is amended to read:

11 49.155 (1m) (bm) If the individual is providing care for a child under a court
12 order and is receiving payments on behalf of the child under s. 48.57 (3m) or (3n) or
13 48.62 (5), or if the individual is a foster parent or treatment foster parent, and child
14 care is needed for that child, the child meets the requirement under s. 49.145 (2) (c).

15 **SECTION 193.** 49.155 (1m) (c) 1. (intro.) of the statutes is amended to read:

16 49.155 (1m) (c) 1. (intro.) Except as provided in subds. 1g., 1h., 1m., 2., and 3.,
17 the gross income of the individual's family is at or below 185% of the poverty line for
18 a family the size of the individual's family or, for an individual who is already
19 receiving a child care subsidy under this section, the gross income of the individual's
20 family is at or below 200% of the poverty line for a family the size of the individual's
21 family. In calculating the gross income of the family, the Wisconsin works agency
22 shall include income described under s. 49.145 (3) (b) 1. and 3., except that, in
23 calculating farm and self-employment income, the Wisconsin works agency shall
24 include the sum of the following:

25 **SECTION 194.** 49.155 (1m) (c) 1h. of the statutes is repealed.

✓
1 **SECTION 195.** 49.175 (1) (ze) 1. of the statutes is amended to read:

2 49.175 (1) (ze) 1. ~~'Kinship care and long-term kinship~~ 'Foster care assistance.'
3 ~~For the kinship care and long-term kinship care programs under s. 48.57 (3m), (3n),~~
4 ~~and (3p) foster care under s. 48.62,~~ \$23,579,800 in each fiscal year.

✓
5 **SECTION 196.** 49.19 (1) (a) 2. b. of the statutes is amended to read:

6 49.19 (1) (a) 2. b. Is living in a foster home ~~or treatment foster home~~ licensed
7 under s. 48.62 if a license is required under that section, in a foster home ~~or treatment~~
8 ~~foster home~~ located within the boundaries of a federally recognized American Indian
9 reservation in this state and licensed by the tribal governing body of the reservation,
10 in a group home licensed under s. 48.625, or in a residential care center for children
11 and youth licensed under s. 48.60, and has been placed in the foster home, ~~treatment~~
12 ~~foster home,~~ group home, or center by a county department under s. 46.215, 46.22,
13 or 46.23, by the department, by the department of corrections, or by a federally
14 recognized American Indian tribal governing body in this state under an agreement
15 with a county department.

✓
16 **SECTION 197.** 49.19 (4e) (a) of the statutes is amended to read:

17 49.19 (4e) (a) If a person applying for aid is under 18 years of age, has never
18 married, and is pregnant or has a dependent child in his or her care, the person is
19 not eligible for aid unless he or she lives in a place maintained by his or her parent,
20 legal guardian, or other adult relative as the parent's, guardian's or other adult
21 relative's own home or lives in a foster home, ~~treatment foster home,~~ maternity
22 home, or other supportive living arrangement supervised by an adult.

✓
23 **SECTION 198.** 49.19 (10) (a) of the statutes is amended to read:

24 49.19 (10) (a) Aid under this section may also be granted to a nonrelative who
25 cares for a child dependent upon the public for proper support in a foster home ~~or~~

1 ~~treatment foster home~~ having a license under s. 48.62, in a foster home or ~~treatment~~
2 ~~foster home~~ located within the boundaries of a federally recognized American Indian
3 reservation in this state and licensed by the tribal governing body of the reservation,
4 or in a group home licensed under s. 48.625, regardless of the cause or prospective
5 period of dependency. The state shall reimburse counties pursuant to the procedure
6 under s. 48.569 (2) and the percentage rate of participation set forth in s. 48.569 (1)
7 (d) for aid granted under this subsection except that if the child does not have legal
8 settlement in the granting county, state reimbursement shall be at 100%. The county
9 department under s. 46.215 or 46.22 shall determine the legal settlement of the child.
10 A child under one year of age shall be eligible for aid under this subsection
11 irrespective of any other residence requirement for eligibility within this section.

12 **SECTION 199.** 49.19 (10) (c) of the statutes is amended to read:

13 49.19 (10) (c) Reimbursement under par. (a) may also be paid to the county
14 when the child is placed in a licensed foster home, ~~treatment foster home~~, group
15 home, or residential care center for children and youth by a licensed child welfare
16 agency or by a federally recognized American Indian tribal governing body in this
17 state or by its designee, if the child is in the legal custody of the county department
18 under s. 46.215, 46.22, or 46.23 or if the child was removed from the home of a relative
19 specified in sub. (1) (a) as a result of a judicial determination that continuance in the
20 home of the relative would be contrary to the child's welfare for any reason and the
21 placement is made pursuant to under an agreement with the county department.

22 **SECTION 200.** 49.19 (10) (d) of the statutes is amended to read:

23 49.19 (10) (d) Aid may also be paid under this section to a licensed foster home,
24 ~~treatment foster home~~, group home, or residential care center for children and youth
25 by the state when the child is in the custody or guardianship of the state, when the

1 child is a ward of an American Indian tribal court in this state and the placement is
2 made under an agreement between the department and the tribal governing body,
3 or when the child was part of the state's direct service case load and was removed
4 from the home of a relative specified in sub. (1) (a) as a result of a judicial
5 determination that continuance in the home of a relative would be contrary to the
6 child's welfare for any reason and the child is placed by the department or the
7 department of corrections.

8 **SECTION 201.** 49.19 (10) (e) of the statutes is amended to read:

9 49.19 (10) (e) Notwithstanding pars. (a), (c), and (d), aid under this section may
10 not be granted for placement of a child in a foster home ~~or treatment foster home~~
11 licensed by a federally recognized American Indian tribal governing body, for
12 placement of a child in a foster home, ~~treatment foster home~~, or residential care
13 center for children and youth by a tribal governing body or its designee, for the
14 placement of a child who is a ward of a tribal court if the tribal governing body is
15 receiving or is eligible to receive funds from the federal government for that type of
16 placement, or for placement of a child in a group home licensed under s. 48.625.

17 **SECTION 202.** 49.22 (6) of the statutes is amended to read:

18 49.22 (6) The department shall establish, pursuant to federal and state laws,
19 rules, and regulations, a uniform system of fees for services provided under this
20 section to individuals not receiving aid under s. 48.645, 49.19, 49.47, or 49.471;
21 benefits under s. 49.148, 49.155, or 49.79; or foster care maintenance payments
22 under 42 USC 670 to 679a; ~~or kinship care payments under s. 48.57 (3m) or~~
23 ~~long-term kinship care payments under s. 48.57 (3n).~~ The system of fees may take
24 into account an individual's ability to pay. Any fee paid and collected under this

1 subsection may be retained by the county providing the service except for the fee
2 specified in 42 USC 653 (e) (2) for federal parent locator services.

3 **SECTION 203.** 49.22 (7m) of the statutes is amended to read:

4 49.22 (7m) The department may contract with or employ a collection agency
5 or other person to enforce a support obligation of a parent who is delinquent in
6 making support payments and may contract with or employ an attorney to appear
7 in an action in state or federal court to enforce ~~such an~~ the obligation. To pay for the
8 department's administrative costs of implementing this subsection, the department
9 may charge a fee to counties, use federal matching funds or funds retained by the
10 department under s. 49.24 (2) (c), or use up to 30% of this state's share of a collection
11 made under this subsection on behalf of a recipient of aid to families with dependent
12 children ~~or a recipient of kinship care payments under s. 48.57 (3m) or long-term~~
13 ~~kinship care payments under s. 48.57 (3n).~~

14 **SECTION 204.** 49.32 (9) (a) of the statutes is amended to read:

15 49.32 (9) (a) Each county department under s. 46.215, 46.22, or 46.23
16 administering aid to families with dependent children shall maintain a monthly
17 report at its office showing the names of all persons receiving aid to families with
18 dependent children together with the amount paid during the preceding month.
19 Each Wisconsin Works agency administering Wisconsin Works under ss. 49.141 to
20 49.161 shall maintain a monthly report at its office showing the names of all persons
21 receiving benefits under s. 49.148 together with the amount paid during the
22 preceding month. Nothing in this paragraph shall be construed to authorize or
23 require the disclosure in the report of any information (names, amounts of aid or
24 otherwise) pertaining to adoptions, or aid furnished for the care of children in foster
25 homes ~~or treatment foster homes~~ under s. 48.645 or 49.19 (10).

✓
1 **SECTION 205.** 49.34 (1) of the statutes is amended to read:

2 49.34 (1) All services under this subchapter and ch. 48 purchased by the
3 department or by a county department under s. 46.215, 46.22, or 46.23 shall be
4 authorized and contracted for under the standards established under this section.
5 The department may require the county departments to submit the contracts to the
6 department for review and approval. For purchases of \$10,000 or less the
7 requirement for a written contract may be waived by the department. No contract
8 is required for care provided by foster homes ~~or treatment foster homes~~ that are
9 required to be licensed under s. 48.62. When the department directly contracts for
10 services, it shall follow the procedures in this section in addition to meeting
11 purchasing requirements established in s. 16.75.

✓
12 **SECTION 206.** 49.345 (14) (a) of the statutes is amended to read:

13 49.345 (14) (a) Except as provided in pars. (b) and (c), liability of a person
14 specified in sub. (2) or s. 49.32 (1) for care and maintenance of persons under 18 years
15 of age in residential, nonmedical facilities such as group homes, foster homes,
16 ~~treatment foster homes~~, subsidized guardianship homes, and residential care
17 centers for children and youth is determined in accordance with the cost-based fee
18 established under s. 49.32 (1). The department shall bill the liable person up to any
19 amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other
20 3rd-party benefits, subject to rules that include formulas governing ability to pay
21 established by the department under s. 49.32 (1). Any liability of the person not
22 payable by any other person terminates when the person reaches age 18, unless the
23 liable person has prevented payment by any act or omission.

✓
24 **SECTION 207.** 49.345 (14) (b) of the statutes is amended to read:

1 49.345 (14) (b) Except as provided in par. (c), and subject to par. (cm), liability
2 of a parent specified in sub. (2) or s. 49.32 (1) for the care and maintenance of the
3 parent's minor child who has been placed by a court order under s. 48.355 or 48.357
4 in a residential, nonmedical facility such as a group home, foster home, ~~treatment~~
5 ~~foster home~~, subsidized guardianship home, or residential care center for children
6 and youth shall be determined by the court by using the percentage standard
7 established by the department under s. 49.22 (9) and by applying the percentage
8 standard in the manner established by the department under par. (g).

9 **SECTION 208.** 49.45 (3) (e) 7. of the statutes is amended to read:

10 49.45 (3) (e) 7. The daily reimbursement or payment rate to a hospital for
11 services provided to medical assistance recipients awaiting admission to a skilled
12 nursing home, intermediate care facility, community-based residential facility,
13 group home, foster home, ~~treatment foster home~~ or other custodial living
14 arrangement may not exceed the maximum reimbursement or payment rate based
15 on the average adjusted state skilled nursing facility rate, created under sub. (6m).
16 This limited reimbursement or payment rate to a hospital commences on the date the
17 department, through its own data or information provided by hospitals, determines
18 that continued hospitalization is no longer medically necessary or appropriate
19 during a period ~~where~~ when the recipient awaits placement in an alternate custodial
20 living arrangement. The department may contract with a peer review organization,
21 established under 42 USC 1320c to 1320c-10, to determine that continued
22 hospitalization of a recipient is no longer necessary and that admission to an
23 alternate custodial living arrangement is more appropriate for the continued care of
24 the recipient. In addition, the department may contract with a peer review
25 organization to determine the medical necessity or appropriateness of physician

1 services or other services provided during the period when a hospital patient awaits
2 placement in an alternate custodial living arrangement.

3 **SECTION 209.** 49.46 (1) (a) 5. of the statutes is amended to read:

4 49.46 (1) (a) 5. Any child in an adoption assistance, foster care, ~~treatment foster~~
5 ~~care~~, or subsidized guardianship placement under ch. 48 or 938, as determined by
6 the department.

7 **SECTION 210.** 49.46 (1) (a) 16. of the statutes is repealed.

8 **SECTION 211.** 49.46 (1) (d) 1. of the statutes is amended to read:

9 49.46 (1) (d) 1. Children who are placed in licensed foster homes ~~or licensed~~
10 ~~treatment foster homes~~ by the department and who would be eligible for payment
11 of aid to families with dependent children in foster homes ~~or treatment foster homes~~
12 except that their placement is not made by a county department under s. 46.215,
13 46.22, or 46.23 will be considered as recipients of aid to families with dependent
14 children.

15 **SECTION 212.** 49.471 (4) (a) 5. of the statutes is amended to read:

16 49.471 (4) (a) 5. An individual who, regardless of family income, was born on
17 or after January 1, 1990, and who, on his or her 18th birthday, was in a foster care
18 ~~or treatment foster care~~ placement under the responsibility of a state, as determined
19 by the department. The coverage for an individual under this subdivision ends on
20 the last day of the month in which the individual becomes 21 years of age, unless he
21 or she otherwise loses eligibility sooner.

22 **SECTION 213.** 49.96 of the statutes is amended to read:

23 **49.96 Assistance grants exempt from levy.** All grants of aid to families with
24 dependent children, payments made under ss. 48.57 (3m) ~~or (3n)~~, 49.148 (1) (b) 1. or
25 (c) or (1m) or 49.149 to 49.159, payments made for social services, cash benefits paid

1 by counties under s. 59.53 (21), and benefits under s. 49.77 or federal Title XVI, are
2 exempt from every tax, and from execution, garnishment, attachment, and every
3 other process and shall be inalienable.

4 **SECTION 214.** 50.01 (1) (a) 1. of the statutes is amended to read:

5 50.01 (1) (a) 1. Care and maintenance above the level of room and board but
6 not including nursing care are provided in the private residence by the care provider
7 whose primary domicile is this residence for 3 or 4 adults, or more adults if all of the
8 adults are siblings, each of whom has a developmental disability, as defined in s.
9 51.01 (5), or, if the residence is licensed as a foster home, care and maintenance are
10 provided to children, the combined total of adults and children so served being no
11 more than 4, or more adults or children if all of the adults or all of the children are
12 siblings, ~~or, if the residence is licensed as a treatment foster home, care and~~
13 ~~maintenance are provided to children, the combined total of adults and children so~~
14 ~~served being no more than 4.~~

15 **SECTION 215.** 50.01 (1) (a) 2. of the statutes is amended to read:

16 50.01 (1) (a) 2. The private residence was licensed under s. 48.62 as a foster
17 ~~home or treatment foster~~ home for the care of the adults specified in subd. 1. at least
18 12 months before any of the adults attained 18 years of age.

19 **SECTION 216.** 50.065 (1) (c) 2. of the statutes is repealed.

20 **SECTION 217.** 59.69 (15) (intro.) of the statutes is amended to read:

21 59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes
22 of this section, the location of a community living arrangement for adults, as defined
23 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
24 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in~~

1 ~~s. 48.02 (17q)~~, or an adult family home, as defined in s. 50.01 (1), in any municipality,
2 shall be subject to the following criteria:

3 **SECTION 218.** [✓]59.69 (15) (bm) of the statutes is amended to read:

4 59.69 (15) (bm) A foster home ~~or a treatment foster home~~ that is the primary
5 domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s.
6 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted
7 use in all residential areas and is not subject to pars. (a) and (b) except that foster
8 homes ~~and treatment foster homes~~ operated by corporations, child welfare agencies,
9 religious associations, as defined in s. 157.061 (15), associations, or public agencies
10 shall be subject to pars. (a) and (b).

11 **SECTION 219.** [✓]60.63 (intro.) of the statutes is amended to read:

12 **60.63 Community and other living arrangements.** (intro.) For purposes
13 of s. 60.61, the location of a community living arrangement for adults, as defined in
14 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
15 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in~~
16 ~~s. 48.02 (17q)~~, or an adult family home, as defined in s. 50.01 (1), in any town shall
17 be subject to the following criteria:

18 **SECTION 220.** [✓]60.63 (3) of the statutes is amended to read:

19 60.63 (3) A foster home ~~or a treatment foster home~~ that is the primary domicile
20 of a foster parent ~~or treatment foster parent~~ and that is licensed under s. 48.62 or an
21 adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all
22 residential areas and is not subject to subs. (1) and (2) except that foster homes ~~and~~
23 ~~treatment foster homes~~ operated by corporations, child welfare agencies, churches,
24 associations, or public agencies shall be subject to subs. (1) and (2).

25 **SECTION 221.** [✓]62.23 (7) (i) (intro.) of the statutes is amended to read:

1 62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes
2 of this section, the location of a community living arrangement for adults, as defined
3 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
4 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in~~
5 ~~s. 48.02 (17q),~~ or an adult family home, as defined in s. 50.01 (1), in any city shall be
6 subject to the following criteria:

7 **SECTION 222.** 62.23 (7) (i) 2m. of the statutes is amended to read:

8 62.23 (7) (i) 2m. A foster home ~~or treatment foster home~~ that is the primary
9 domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s.
10 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted
11 use in all residential areas and is not subject to subds. 1. and 2. except that foster
12 homes ~~and treatment foster homes~~ operated by corporations, child welfare agencies,
13 churches, associations, ~~or~~ public agencies shall be subject to subds. 1. and 2.

14 **SECTION 223.** 103.10 (1) (a) (intro.) of the statutes is amended to read:

15 103.10 (1) (a) (intro.) "Child" means a natural, adopted, ~~foster or treatment or~~
16 foster child, a stepchild, or a legal ward to whom any of the following applies:

17 **SECTION 224.** 103.10 (1) (f) of the statutes is amended to read:

18 103.10 (1) (f) "Parent" means a natural parent, foster parent, ~~treatment foster~~
19 parent, adoptive parent, stepparent, or legal guardian of an employee or an
20 employee's spouse.

21 **SECTION 225.** 118.175 (1) of the statutes is amended to read:

22 118.175 (1) This section does not apply to a pupil who has a legal custodian, as
23 defined in s. 48.02 (11) or 938.02 (11), or who is cared for by a ~~kinship care~~ relative,
24 as defined in s. ~~48.57 (3m) (a) 2.~~ 48.02 (15).

25 **SECTION 226.** 121.79 (1) (d) (intro.) of the statutes is amended to read:

1 121.79 (1) (d) (intro.) For pupils in foster homes, ~~treatment foster homes~~, or
2 group homes, if the foster home, ~~treatment foster home~~, or group home is located
3 outside the school district in which the pupil's parent or guardian resides and either
4 of the following applies:

5 **SECTION 227.** [✓] 121.79 (1) (d) 2. of the statutes is amended to read:

6 121.79 (1) (d) 2. The foster, ~~treatment foster~~ or group home is exempted under
7 s. 70.11.

8 **SECTION 228.** [✓] 121.79 (1) (d) 3. of the statutes is amended to read:

9 121.79 (1) (d) 3. The pupil is a child with a disability, as defined in s. 115.76 (5),
10 and at least 4% of the pupils enrolled in the school district reside in foster homes,
11 ~~treatment foster homes~~, or group homes that are not exempt under s. 70.11.
12 Notwithstanding s. 121.83 (1) (d), the annual tuition rate for pupils under this
13 subdivision is the special annual tuition rate only, as described in s. 121.83 (1) (c).

14 **SECTION 229.** [✓] 146.82 (2) (a) 18m. of the statutes is amended to read:

15 146.82 (2) (a) 18m. If the subject of the patient health care records is a child
16 or juvenile who has been placed in a foster home, ~~treatment foster home~~, group home,
17 residential care center for children and youth, or juvenile correctional facility,
18 including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for whom
19 placement in a foster home, ~~treatment foster home~~, group home, residential care
20 center for children and youth, or juvenile correctional facility is recommended under
21 s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by
22 a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831
23 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a court report
24 under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency
25 responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1)

1 (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the
2 child or juvenile, or to an agency that placed the child or juvenile or arranged for the
3 placement of the child or juvenile in any of those placements and, by any of those
4 agencies, to any other of those agencies and, by the agency that placed the child or
5 juvenile or arranged for the placement of the child or juvenile in any of those
6 placements, to the foster parent or ~~treatment foster parent~~ of the child or juvenile
7 or the operator of the group home, residential care center for children and youth, or
8 juvenile correctional facility in which the child or juvenile is placed, as provided in
9 s. 48.371 or 938.371. ✓

10 **SECTION 230.** 167.10 (7) of the statutes is amended to read:

11 167.10 (7) PARENTAL LIABILITY. A parent, foster parent, ~~treatment foster parent~~,
12 family-operated group home parent, or legal guardian of a minor who consents to the
13 use of fireworks by the minor is liable for damages caused by the minor's use of the
14 fireworks. ✓

15 **SECTION 231.** 252.15 (5) (a) 19. of the statutes is amended to read:

16 252.15 (5) (a) 19. If the test was administered to a child who has been placed
17 in a foster home, ~~treatment foster home~~, group home, residential care center for
18 children and youth, or juvenile correctional facility, as defined in s. 938.02 (10p),
19 including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for whom
20 placement in a foster home, ~~treatment foster home~~, group home, residential care
21 center for children and youth, or juvenile correctional facility is recommended under
22 s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by
23 a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831
24 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a court report
25 under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency

1 responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1)
2 (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the
3 child, or to an agency that placed the child or arranged for the placement of the child
4 in any of those placements and, by any of those agencies, to any other of those
5 agencies and, by the agency that placed the child or arranged for the placement of
6 the child in any of those placements, to the child's foster parent ~~or treatment foster~~
7 ~~parent~~ or the operator of the group home, residential care center for children and
8 youth, or juvenile correctional facility in which the child is placed, as provided in s.
9 48.371 or 938.371. ✓

10 **SECTION 232.** 253.10 (3) (c) 2. c. of the statutes is amended to read:

11 253.10 (3) (c) 2. c. That the woman has a legal right to continue her pregnancy
12 and to keep the child; to place the child in a foster home ~~or treatment foster home~~ for
13 6 months or to petition a court for placement of the child in a foster home, ~~treatment~~
14 ~~foster home~~ or group home or with a relative; or to place the child for adoption under
15 a process that involves court approval both of the voluntary termination of parental
16 rights and of the adoption. ✓

17 **SECTION 233.** 301.12 (14) (a) of the statutes is amended to read:

18 301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person
19 specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17
20 years of age in residential, nonmedical facilities such as group homes, foster homes,
21 ~~treatment foster homes~~, residential care centers for children and youth, and juvenile
22 correctional institutions is determined in accordance with the cost-based fee
23 established under s. 301.03 (18). The department shall bill the liable person up to
24 any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other
25 3rd-party benefits, subject to rules ~~which~~ that include formulas governing ability to

1 pay promulgated by the department under s. 301.03 (18). Any liability of the resident
2 not payable by any other person terminates when the resident reaches age 17, unless
3 the liable person has prevented payment by any act or omission.

4 **SECTION 234.** 301.12 (14) (b) of the statutes is amended to read:

5 301.12 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
6 of a parent specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the
7 parent's minor child who has been placed by a court order under s. 938.183, 938.355,
8 or 938.357 in a residential, nonmedical facility such as a group home, foster home,
9 treatment foster home, residential care center for children and youth, or juvenile
10 correctional institution shall be determined by the court by using the percentage
11 standard established by the department of children and families under s. 49.22 (9)
12 and by applying the percentage standard in the manner established by the
13 department under par. (g).

14 **SECTION 235.** 301.26 (4) (d) 2. of the statutes is amended to read:

15 301.26 (4) (d) 2. Beginning on July 1, 2007 January 1, 2010, and ending on June
16 30, 2008 2010, the per person daily cost assessment to counties shall be \$259 for care
17 in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), \$259 for care for
18 juveniles transferred from a juvenile correctional institution under s. 51.35 (3), \$277
19 for care in a residential care center for children and youth, \$165 for care in a group
20 home for children, \$67 the amount determined by the department of children and
21 families under the rules promulgated under s. 48.62 (4) (c) for care in a foster home,
22 \$132 for care in a treatment foster home, \$99 for departmental corrective sanctions
23 services, and \$35 for departmental aftercare services under rules promulgated
24 under so 48.62 (4) (c)

SECTION 236. 301.26 (4) (d) 3. of the statutes is amended to read:

plain

goes before
plain comma

301.26 (4) (d) 3. Beginning on July 1, 2008 2010, and ending on June 30, 2009

(2011), the per person daily cost assessment to counties shall be \$268 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), \$268 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), \$296 for care in a residential care center for children and youth, \$172 for care in a group home for children, \$74 the amount determined by the department of children and families under the rules promulgated under s. 48.62 (4) (c) for care in a foster home, \$145 for care in a treatment foster home, \$101 for departmental corrective sanctions services, and \$37 for departmental aftercare services.

SECTION 237. 301.26 (4) (e) of the statutes is amended to read:

301.26 (4) (e) For foster care, ~~treatment foster care~~, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 all payments and deductions made under this subsection and uniform fee collections under s. 301.03 (18) shall be credited to the appropriation account under s. 20.410 (3) (ho).

SECTION 238. 301.26 (4) (ed) of the statutes is amended to read:

301.26 (4) (ed) For foster care, ~~treatment foster care~~, group home care, and institutional child care to serious juvenile offenders under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 all uniform fee collections under s. 301.03 (18) shall be credited to the appropriation account under s. 20.410 (3) (ho).

SECTION 239. 301.46 (4) (a) 6. of the statutes is amended to read:

301.46 (4) (a) 6. A foster home or ~~treatment foster home~~ licensed under s. 48.62.

SECTION 240. 343.15 (4) (a) 3. of the statutes is amended to read: